

**REMARKS**

**I. Status Summary**

Claims 23-30 and 32-49 are pending in the present application and have been examined by the United States Patent and Trademark Office (hereinafter "the Patent Office"). Claims 27-30, 32, 43 and 48 currently stand rejected. Claims 23-36, 33-42, 44-47 and 49 are allowed.

Claims 27, 28, 30, 32, 43 and 48 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by Philip et al. (1998 *Cancer Gene Therapy* 5:236-246; hereinafter "Philip et al.").

Claims 27, 28, 30, 32, 43 and 48 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by U.S. Patent Application Publication No. 2002/0123479 to Song et al. (hereinafter "Song et al.").

Claims 27-30, 32, 43 and 48 have been rejected under 35 U.S.C. § 103(a) upon the contention that the claims are unpatentable over Philip et al. in view of PCT International Patent Application Publication No. WO 98/33527 to Cohen (hereinafter "Cohen") and PCT International Patent Application Publication No. WO 98/33527 to Wamier et al. (hereinafter "Wamier et al.").

Claims 27-30, 32, 43 and 48 have been cancelled without prejudice.

Reconsideration of the application in view of the amendments and remarks set forth herein is respectfully requested.

**II. Responses to the Rejection Under 35 U.S.C. § 102(b) Over Philip et al.**

Claims 27, 28, 30, 32, 43 and 48 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by Philip et al. (1998 *Cancer Gene Therapy* 5:236-246; hereinafter "Philip et al."). The Patent Office contends that Philip et al. disclosed the expression of MART-1 cDNA in human dendritic cells prepared from healthy individuals as well as peptide-loaded dendritic cells. The Patent Office contends that the dendritic cells in Philip et al. are inherently haploidentical to an appropriate recipient and possess an HLA-haplotype 50% identical to an appropriate

recipient. As such, the Patent Office contends that Philip et al. teaches each and every element of the rejected claims.

After careful consideration of the rejection and the Patent Office's basis therefore, applicants respectfully traverse the rejection and submit the following remarks.

Without acquiescing to the contentions of the Patent Office and in an effort to advance prosecution, applicants respectfully submit that claims 27, 28, 30, 32, 43 and 48 have been cancelled. As such, the instant rejection is believed to be moot. Withdrawal of the instant rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

III. Responses to the Rejection Under 35 U.S.C. § 102(b) Over Song et al.

Claims 27, 28, 30, 32, 43 and 48 have been rejected under 35 U.S.C. § 102(b) upon the contention that the claims are anticipated by U.S. Patent Application Publication No. 2002/0123479 to Song et al. (hereinafter "Song et al."). The Patent Office contends that Song et al. disclosed dendritic cells comprising an expression vector which direct expression of antigens associated with cancers. Moreover, the Patent Office contends that Song et al. disclosed a method of treatment of cancer comprising administration of a dendritic cell population transduced *ex vivo*. Finally, the Patent Office contends that the *ex vivo* transduced dendritic cells of Song et al. are allegedly inherently haploidentical.

After careful consideration of the rejection and the Patent Office's basis therefore, applicants respectfully traverse the rejection and submit the following remarks.

Without acquiescing to the contentions of the Patent Office and in an effort to advance prosecution, applicants respectfully submit that claims 27, 28, 30, 32, 43 and 48 have been cancelled. As such, the instant rejection is believed to be moot. Withdrawal of the instant rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

IV. Responses to the Obviousness Rejections

Claims 27-30, 32, 43 and 48 have been rejected under 35 U.S.C. § 103(a) upon the contention that the claims are unpatentable over Philip et al. in view of Cohen et al. and Warnier et al.

After careful consideration of the rejection and the Patent Office's basis therefor, applicants respectfully traverse the rejection and submit the following remarks.

Without acquiescing to the contentions of the Patent Office and in an effort to advance prosecution, applicants respectfully submit that claims 27-30, 32, 43 and 48 have been cancelled. As such, the instant rejection is believed to be moot. Withdrawal of the instant rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

V. Acknowledgement of Allowable Claims

In view of the amendments and arguments presented in Amendment H filed on June 17, 2010, the Patent Office at page 6 of the instant Official Action indicates that claims 23-36, 33-42, 44-47 and 49 are in condition for allowance. Applicants respectfully acknowledge the Patent Office's indication that claims 23-36, 33-42, 44-47 and 49 are in condition for allowance. Currently rejected claims 27-30, 32, 43 and 48 have been cancelled without prejudice. As such, the instant application is believed to be in condition for allowance. A Notice of Allowance indicating the same is therefore respectfully requested.

CONCLUSION

In light of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and a Notice of Allowance to that effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 11/30/2010

By: 

Arles A. Taylor, Jr.  
Registration No. 39,395  
Customer No. 25297  
(919) 493-8000

1406/468 AAT/LRL/dbp